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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,221	08/23/2001	Seiichi Kawano	JP920000184US1	1698

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EXAMINER	
VU, JIMMY T	

ART UNIT	PAPER NUMBER
2821	

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06/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

TH

Office Action Summary	Application No.	Applicant(s)	
	09/938,221	KAWANO, SEIICHI	
	Examiner	Art Unit	
	Jimmy T. Vu	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 18-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,18-25,28,29 and 31* is/are rejected.

7)☒ Claim(s) *6,26,27 and 30* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 18-25, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner (U.S. Patent number 5,933,130).

Regarding claim 1, Wagner discloses a brightness controlling apparatus (10, Fig. 1, col. 5, lines 50-52), comprising:

an evaluator (CPU 22 in Fig. 2) for detecting a feature (the feature in Pattern Selection window on the screen, Fig. 7) of a certain window (Pattern Selection window in Fig. 7) displayed on a screen (the screen in Fig. 7) of a display unit (Figs. 1-3 and 11-13); and

a display controller [using of the brightness control software (30) and brightness control (34) in Fig. 2] for controlling the brightness of said screen of said display unit according to said feature of said window, detected by said evaluator.

Regarding claim 2, Wagner discloses the apparatus wherein said evaluator (CPU 22) detects a type of application [there are some of the type of application in the Pattern Selection, Fig. 7] to be displayed in said window; and

said display controller (30 and 34) controls said brightness of said screen of said display unit according to said type of said application detected by said evaluator [the brightness control software (30) and brightness control (34) would control the brightness of the screen based on the detection of CPU (22)].

Regarding claim 3, Wagner discloses the apparatus wherein said evaluator detects whether a method [any method from analog to Random in the Pattern Selection window in Fig. 7] by which data is displayed in said window uses a CPU (22), and

said display controller controls the brightness of said screen of said display unit according to whether said method by which data is displayed in said window uses said CPU, detected by said evaluator [as explained above in claim 2].

Regarding claim 4, Wagner discloses the apparatus wherein said evaluator calculates the display brightness in said window according to a draw signal [wave signal or Random in Fig. 7] issued to said window displayed on said screen of said display unit [CPU (22) would calculate the brightness base on the selected signal in Pattern Selection window, Fig. 7]; and

said display controller controls the brightness of said screen of said display according to said display brightness in said window, calculated by said evaluator [the brightness control software (30) and brightness control (34) would control the brightness of the screen based on the detection and then calculation of CPU (22)].

Regarding claim 5, Wagner discloses the apparatus wherein said evaluator detects a feature of a focused window [focused window could be an analog window or a digital window or a Random window, Fig. 7] on said screen, said focused window being

selected from a plurality of windows [there are several windows in the Pattern Selection, Fig. 7] displayed on said screen of said display unit.

Regarding claim 18, Wagner discloses the apparatus wherein said type of application is selected from a word processor application and a motion picture playback application (Fig. 7).

Regarding claim 19, Wagner discloses the apparatus wherein said focused window is an active window that is ready to accept an input [any window in Pattern Selection on the screen would be an active window and be ready for an input, Fig. 7].

Regarding claim 20, Wagner discloses the apparatus wherein said display unit is an LCD (col. 1, lines 15-17).

Regarding claim 21, Wagner discloses an apparatus (10, Fig. 1, col. 5, lines 50-52) comprising:

an evaluator (CPU 22, Fig. 2) that evaluates a display brightness (display brightness in Fig. 7) of a window (Pattern Selection window in Fig. 7) displayed on a screen (the screen in Fig. 7) of a display unit (Figs. 1-3 and 11-13); and

a display controller (30 and 34, Fig. 2) that automatically adjusts a screen brightness of the screen of the display unit based on the evaluated display brightness of the window [the brightness control software (30) and brightness control (34) would control the brightness of the screen based on the evaluation of CPU (22)].

Regarding claims 22 and 23, Wagner discloses the apparatus wherein the display controller automatically decreases/increasing the screen brightness of the screen responsive to the evaluated display brightness of the window being high/low

[when the display brightness being high/low, the controller would automatically adjust the screen brightness].

Regarding claim 24, Wagner discloses the apparatus wherein the window is one of a plurality of windows displayed on the screen of the display unit and the window is an active window that is ready to accept an input [as explained above in claims 5 and 19].

Regarding claim 25, Wagner discloses the apparatus wherein the display controller further automatically adjusts the screen brightness of the screen of the display unit based on a type of application associated with the window [the controller (30 and 34) would automatically do the function of adjusting when a type of the Pattern Selection window is selected, Fig. 7].

Regarding claim 28, Wagner discloses the apparatus wherein the display controller further automatically adjusts the screen brightness of the screen of the display unit based on whether a method [any method from analog to Random in the Pattern Selection window in Fig. 7] by which data is displayed in the window uses a CPU (22) [the controller (30 and 34) would automatically do the function of adjusting when a type of the Pattern Selection window is selected, Fig. 7].

Regarding claim 29, Wagner discloses the apparatus wherein the evaluator evaluates the display brightness of the window based on a draw signal [wave signal or Random or any signal in Fig. 7] issued to the window (Fig. 7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over (U.S. Patent number 5,933,130) in view of Lee (6,091,397).

Regarding claim 31, Wagner discloses the apparatus wherein the display unit is an LCD (col. 1, line 15-17). Wagner does not teach the display controller adjusts the screen brightness of the screen by controlling a power to a back-light of the LCD. However, Lee discloses a power management function for controlling said display unit (using Display Power Management System DPMS) (Fig. 10, col. 12, lines 30-34, lines 58-66) [it is obvious that the display device has a back-light system, and the power is controlled to a back-light]. Therefore, it would have been obvious to one having skill in the art at the time of the invention was made to provide the programming instructions of Wagner with the display power management system (DPMS) as taught by Lee in order to reduce power consumption in the display monitor.

Allowable Subject Matter

5. Claims 6, 26, 27 and 30 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Neither the cited references nor the references cited teaches or suggests or obvious in combination of the apparatus wherein "the display controller controls or automatically adjusts the screen brightness of the screen of the display unit based on whether a ratio of a size of the window to a size of the screen is over a certain value" (claims 6 and 30), "the display controller automatically decreases the screen brightness of the screen responsive to the type of application associated with the window being a word processor application or a spreadsheet application" (claim 26), and "the display controller automatically increases the screen brightness of the screen responsive to the type of application associated with the window being a motion picture playback application" (claim 27).

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 and new added claims 18-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on (571) 272-1662. The fax phone

numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

June 20, 2007

Douglas W. Owens 6/21/07

DOUGLAS W. OWENS
SUPERVISORY PATENT EXAMINER